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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-seventh session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Joint written statement submitted by International Youth and Student Movement for the United Nations and World Federation of Democratic Youth, non-governmental organizations in consultative status (category I), African Association of Education for Development, American Association of Jurists, Indigenous World Association, International Association Against Torture, International Association of Democratic Lawyers, International Federation of Human Rights, International Indian Treaty Council, International Islamic Federation of Student Organizations, International League for Human Rights, Pax Romana and World Society of Victimology, non-governmental organizations in consultative status (category II) and Centre Europe-Tiers Monde, International Association of Educators for World Peace, International Educational Development, International Federation of Free Journalists, International Movement Against all Forms of Discrimination and Racism, Liberation and Movement Against Racism, for Friendship Among Peoples and Regional Council on Human Rights in Asia, non-governmental organizations on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[9 August 1995]

GE.95-13291 (E)

1. Our organizations are gravely concerned with the impunity with which the Sri Lanka armed forces continue to commit gross and inhumane violations of human rights and humanitarian law. We regret that attempts by the Sri Lankan Government to address international criticisms of its human rights record have been of a largely cosmetic nature.

2. In May this year, President Chandrika Kumaratunga declared that it might be necessary to launch an all-out attack in the Jaffna peninsula and that this "would mean a lot of civilian casualties" and the "place would be wiped out". In May, June and July the Sri Lanka armed forces launched a genocidal onslaught on the Tamil people in the Tamil homeland in the north-east.

3. In early July alone, 245 Tamil civilians, including around 100 women and children, were killed in the north. More than 470 were injured. Indiscriminate and incessant night shelling of Tamil villages in the north led tens of thousands of Tamil civilians to evacuate their homes. The Sri Lanka airforce indiscriminately bombed villages and targeted temples, places of worship and schools. Sellachennathy Hindu temple was bombed. St Peter's Church and St. Peter's School in Navaly, where hundreds has sought shelter from the incessant shelling, was bombed on 10 July 1995. More than 120 persons were killed including 13 babies who died in their mother's arms. The Pope has expressed his deep sorrow at the bombing of the church and the loss of civilian lives.

4. The Sri Lankan Government, initially denied the bombing of St. Peter's church. Then it criticized the representative of the International Committee of the Red Cross (ICRC) for reporting the incident to the world media without consulting the Government. Later the Government promised to hold an inquiry into the incident. Finally, the Sri Lankan Foreign Minister declared that the Government will "boldly apologize" for the attack even before the findings of the inquiry.

5. The aerial bombardment of civilian population centres and places of worship follow a pattern set by the Sri Lankan armed forces over the past several years and President Kumaratunga's belated promise to investigate the recent violations must ring hollow in the ears of the Tamil people whose kith and kin have lost their lives or their limbs in the bomb outrage.

6. The Sri Lankan Government has also imposed a total economic blockade on the transport of goods, including supplies of essential food and medicines, to the north. Hundreds of Tamil civilians lie injured in Jaffna hospital without treatment. We note with concern that on 25 July the Sri Lanka navy seized food cargo intended for civilians in the north from a ship escorted by the ICRC.

7. The Sri Lanka Army has also unleashed a reign of terror in the east. Arbitrary arrests and reprisal attacks on Tamil villages in the Batticaloa area have become commonplace. Tamil civilians have been compelled by the Sri Lanka army to act as human shields to detect land mines in the east.

8. During the past few months, in Colombo, Kandy and elsewhere in the South, hundreds of Tamils have been arbitrarily arrested and tortured. Many have "disappeared", and bodies found floating in the waterways and lakes near Colombo have been identified as those of Tamils.

9. During the past 12 years, the Commission on Human Rights and the Sub-Commission have heard hundreds of statements expressing grave concern at the situation prevailing in the island of Sri Lanka. The record shows that it was the oppressive actions of successive Sri Lankan Governments from as early as 1956 and in 1958, and again in 1961 and again with increasing frequency from 1972 to 1977 and culminating in the genocidal attacks of 1983 that resulted in the rise of the lawful armed resistance of the Tamil people.

10. We are constrained to condemn the actions of the Sri Lankan Government as gross violations of human rights and humanitarian law, intended to terrorize and subjugate the Tamil people.

11. We urge the Sub-Commission to:

(i) Condemn the continued violations of human rights and humanitarian law by Sri Lankan authorities;

(ii) Call upon Sri Lanka to lift the economic blockade on the Tamil homeland and to find a political solution to the ongoing conflict; and

(iii) To monitor the situation of human rights in Sri Lanka as a matter of grave urgency.

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CONTEMPORARY FORMS OF SLAVERY

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (Category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[10 August 1995]

1. Considering the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1995/28), and the draft programme of action for the prevention of trafficking in persons and the exploitation of the prostitution of others (resolution 1994/5, sect. V), Human Rights Advocates would like to focus on a few especially important areas regarding the world's tragic exploitation of children. The three areas in which we propose suggestions regarding child prostitution are age-monitoring, education and rehabilitation.

Age-monitoring

2. Age-monitoring involves serious issues regarding the meaning of the word "child". We agree that children under age 18 are in need of protection. We would like to stress, however, that children 14 years old and younger need very special protection and nurturing. To deny that need for those who have not yet reached even an age of physical maturity would be inexcusable. By lack of effective monitoring and control, to allow those under 14 to suffer exploitation and prostitution is of grave concern to our organization.

3. Although the current draft programme of action for the prevention of trafficking in persons and the exploitation of the prostitution of others contains provisions for general thematic and country/regional studies on the problems of exploitation and traffic, and attention was also given to the need for multilateral cooperation and data-sharing regarding suspected offenders, we would like to emphasize that, first and foremost, we should monitor the identity and ages of the children involved. Although effective age-monitoring would be a complex and lengthy task, it is integral that, along with the child's inherent right to name and nationality (art. 7 of the Convention on the Rights of the Child), he/she must also maintain a registered age. The immense difficulty in identifying the age of a child to determine if, as a victim, he/she was considered a "child" (especially as defined above) when the offence occurred is a great impediment to the process of apprehending and prosecuting all perpetrators involved, from the offender to the procurer or brothel-owner. We would suggest that the Sub-Commission include a clause in its draft programme of action inviting States to implement technical measures to track not only the names, but also the ages of all their child nationals.

Education

4. With regard to the need for widespread education as to the ever-present risk of sexual exploitation, we note that considerable attention has been given to children's education regarding protection of their bodies, sexually transmitted diseases, literacy promotion, and occupation. Additional mention is made of the need to educate social workers and law enforcement officials. Broad and challenging indeed are such issues, yet we support the need for additional considerations. Child education is, of course, a necessary step. Still, is it not important that there be a supplemental form of parental education? In fact, in many countries where child prostitution is a grave issue, it is often the parents who either sell their children to a procurer, or use other methods to force them into prostitution. As facilitators of child prostitution, or even as inhabitants of a society in which children may fall prey to such practices, parents are in great need of education. We believe it would be of benefit to all involved if a joint, family education programme could be suggested to States in which child prostitution is a prevalent social phenomenon.

Rehabilitation

5. Recognizing the recommendation for the creation of programmes in order to rehabilitate and reintegrate victims of child prostitution into society (resolution 1994/5), we would like to support and re-enforce the need for rehabilitation programmes specifically designed for children, as opposed to including them in the adult programmes. Regarding this issue, we note that children are by far the most vulnerable, impressionable, and innocent victims who suffer from the irreparable aftermath of sexual exploitation, thus their rehabilitation and nurturing needs are distinct from others, as they require far more attention and care. Additionally, we kindly propose a provision for long-term rehabilitation for the child, with the possible request to States to include, in their reports to the Secretary-General, information about the long-term effects of their child rehabilitation and support programmes. The atrocities experienced by these children are severely emotionally, physically and psychologically damaging, hence we must ensure that assistance programmes are not temporary or short term, but that they effectively cover the period of the child's full development.

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FREEDOM OF MOVEMENT:

(b) Population displacements

Written statement submitted by International Educational Development, a non-governmental organization on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[10 August 1995]

1. Population displacements, especially those stemming from war or serious violations of human rights, are now of such a scale that international and national aid programmes cannot possibly attend to the needs of the people affected. From one perspective, population displacements arise because the international community has failed to contribute positively to improvements in human rights or the resolution of conflicts in areas now overwhelmed by displacements. Accordingly, it is useful to study some current situations with a view that with better understanding, current problems may be resolved and future ones prevented.

2. The Karenni people are suffering yet again from massive displacement due to the dramatic increase in incursions into Karenni territory by the armed forces of the Myanmar State Law and Order Restoration Council (SLORC) in contravention of an agreement worked out by the Karenni National Progressive Party and SLORC on 21 March 1995.

3. On 30 June, fighting broke out at the Kauk Kauk and Mae Su Rin confluence. Since that date, there have been intense military confrontations between the Karenni armed forces and SLORC troops. Hundreds of Karenni people have been abducted for slave porterage and their tractors, bullocks and horses have been requisitioned. More than 5,000 more Karenni have been forced to flee to the already overcrowded camps in the Thai border area.

4. Now SLORC is proclaiming internationally that this clear violation of the Loikaw agreement is necessary to be able to attack the Mong Tai headquarters of Khun Sa. This cannot possibly be true, as attempting to launch such an attack from Karenni territory makes no military sense whatsoever. Clearly the facts speak for themselves - SLORC has initiated a blatant attack on the Karenni in order to neutralize their armed forces and subjugate the people.

5. This displacement follows the massive displacement of the Karenni people in January 1995, when SLORC troops attacked Manerplaw. This attack came immediately after a SLORC representative denied to the General Assembly that there was any military build-up. Rather, he maintained that SLORC was actively working towards a cease-fire. More shocking, the attack came as the SLORC regime greeted a special envoy of the Secretary-General. At that time, SLORC troops were positioned across the river from the refugee village of Htoo Wah Lu.

6. In Sri Lanka, renewed hostilities between the Sinhala-dominated Government and the Tamil people have also caused massive displacements. There may be as many as 350,000 newly displaced in Sri Lanka. The Sri Lankan army is carrying out wholesale targeting of the civilian population in violation of humanitarian law norms. Air bombing attacks on civilian areas (including churches, schools and hospitals) are a major factor in the displacements.

7. International Educational Development is also concerned about actions taken by the Bosnian Serb forces against civilians in the United Nations protected areas. A large number of Bosnian Muslims who had sought shelter in Srebrenica have had to flee again, this time to Tuzla. Tuzla, meanwhile, has already been vastly overtaxed by earlier displacements. The Serbian forces have also prevented humanitarian aid from reaching people, resulting in additional casualties from starvation and near starvation. The Bosnian Serb plan seems to be to eliminate any non-Serbian people from Serbian-occupied Bosnia.

8. Bosnian Croats have also been massively displaced. Estimates indicate up to 70 per cent of their population has been forced to flee. For example, out of 80,000 Croats living in Banja Luka, 55,000 were "expelled" by Serbian militia. The area has been "renamed" Republika Srpska. These people were forced to give away their property and even to pay for their transportation out. Thus, they are reduced to poverty and must rely on international aid to survive.

9. Croatian Serbs are now facing massive displacement from the areas recently returned to Croatian control (the area the Serbian forces called Krajina). Some 30,000 to 40,000 are fleeing into Bosnia and Herzegovina. While the Croatian president is urging these people not to flee and promising them safety, it is clear that they do not feel secure enough to stay. As this

is being written, the Croatian Government is inviting those who have fled to return and promising them that they will enjoy full rights.

10. In situations such as these three, the Sub-Commission should take firm action within its mandate. The Sub-Commission can appeal to Governments to increase contributions to UNHCR so that it can meet the crushing international need. The Sub-Commission can request the High Commissioner for Human Rights or the Secretary-General to use good offices. Of course, it can condemn Governments for violations of armed conflict (humanitarian) law norms - a major factor in displacements. It can invite parties to conflicts to meet with it in private session as a means to facilitate conflict resolution. It can transmit relevant information to the representative of the Secretary-General on internally displaced persons. It can seek to address the perceived lacuna in international protection of internally displaced persons. In sum, the Sub-Commission has an open mandate that allows for any number of useful and creative actions to address this problem. What is important is that the Sub-Commission do something.